

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAPAGNI FRUIT AND JUICE, LP,

Plaintiff,

v.

JAMES CORRADO INC., et al.,

Defendants.

No. 1:24-cv-00377-KES-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT BE
GRANTED IN PART AND DENIED IN PART

(Docs. 23, 25)

On March 29, 2024, plaintiff Papagni Fruit and Juice, LP initiated this action by filing a complaint against defendants James Corrado Inc., Peter Corrado, Gerald Corrado, and Joseph Corrado. Doc. 1. In its complaint, plaintiff alleged claims for violations of the Perishable Agricultural Commodity Act, 7 U.S.C. § 499a *et seq.* ("PACA"), declaratory judgment, breach of contract, and injunctive relief. Doc. 1. Plaintiff asserts that it sold and shipped perishable commodities (fresh grapes) to defendants in or around September 2023, and that defendants failed to pay plaintiff. *See* Doc. 1; Doc. 24.

Although defendants were properly served with the summons and complaint (*see* Docs. 8–11), they failed to respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure. Upon application of plaintiff, default was entered against defendants on May 20, 2024. Docs. 15–19. Plaintiff filed its motion for default judgment on July 24, 2024. Doc. 23. This matter was referred a United States magistrate judge pursuant to 28 U.S.C. § 636 and Local

1 Rule 302.

2 On August 27, 2024, the assigned magistrate judge issued findings and recommendations
3 recommending that plaintiff's motion for default judgment be granted in part and denied in part.
4 Doc. 25. The findings and recommendations provided that any objections thereto were to be filed
5 within fourteen (14) days. *Id.* To date, no objections have been filed and the time for doing so has
6 since expired.

7 In accordance with 28 U.S.C. § 636 (b)(1), the court has conducted a de novo review of the
8 case. Having carefully reviewed the file, the court finds that the findings and recommendations
9 are supported by the record and proper analysis.

10 Accordingly, it is HEREBY ORDERED that:

- 11 1. The findings and recommendations issued on August 27, 2024, Doc. 25, are
12 adopted in full;
- 13 2. Plaintiff's motion for default judgment, Doc. 23, is granted as to plaintiff's claims
14 under the PACA, and denied as to plaintiff's claims for declaratory judgment,
15 breach of contract, and injunctive relief;
- 16 3. Judgment is entered in favor of plaintiff and against defendants James Corrado Inc.,
17 Peter Corrado, Gerald Corrado, and Joseph Corrado, in the amount of \$41,664.17,
18 which consists of a principal balance in the amount of \$34,105.50, prejudgment
19 interest in the amount of \$6,699.87, and costs in the amount of \$858.80;
- 20 4. Plaintiff's claims for declaratory judgment, breach of contract, and injunctive relief
21 are dismissed with prejudice;
- 22 5. The Clerk of Court is directed to enter judgment in plaintiff's favor and to close
23 this case; and

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1 6. Plaintiff is directed to mail a copy of this order to each of the defendants at their
2 last known address(es).

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5 IT IS SO ORDERED.

6 Dated: October 10, 2024



UNITED STATES DISTRICT JUDGE